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COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 13

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

China, Cuba, Egypt (on behalf of the African Group), India and Nicaragua

1997/... Racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms and racial discrimination, and its conviction that racism and racial discrimination constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling its resolutions 1996/8 of 11 April 1996 and 1996/21 of 19 April 1996,

Recalling also the recommendations of the two World Conferences to Combat Racism and Racial Discrimination, held in Geneva in 1978 and 1983,

Bearing in mind the Vienna Declaration and Programme of Action, which calls for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,

Deeply concerned that, despite the fall of apartheid and despite continuing efforts to combat these phenomena, racism, racial discrimination, xenophobia and related intolerance, as well as acts of racially motivated violence, persist and are even growing in magnitude, adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Firmly convinced of the need to take effective and sustained measures at the international levels for the elimination of all forms of racism and racial discrimination and, in particular, of the importance of strengthening national legislation and institutions for the promotion of racial harmony,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of two Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be victims of varied forms of racism and racial discrimination,

Noting General Assembly resolution 48/91 of 20 December 1993, in which the General Assembly decided to proclaim the Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and to adopt the Programme of Action proposed for the Third Decade,

Deeply concerned at the lack of interest shown regarding the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination,

Noting that the Committee on the Elimination of Racial Discrimination in its general recommendation XV (42) of 17 March 1993 held that the prohibition of the dissemination of ideas based upon racial superiority or racial hatred can be a lawful restriction of the rights to freedom of opinion, expression and association as set forth in the Universal Declaration of Human Rights and article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination,

Also taking note that in their final report on freedom of opinion and expression (E/CN.4/Sub.2/1992/9) submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session, the Special Rapporteurs, Mr. Louis Joinet and Mr. Danilo Türk, concluded that, under international law, racism is not an opinion but an offence,

Reaffirming its resolution 1996/46 of 19 April 1996, entitled "Human rights and thematic procedures", in which, inter alia, it invited the

Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed promptly on the progress made towards their implementation,

Noting General Assembly resolution 50/174 of 22 December 1995 on strengthening of United Nations action in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

Underlining the importance of urgently eliminating the growing and violent trends of racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such crimes,

Emphasizing the importance of the activities of the Special Rapporteur responsible for examining all contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Recalling General Assembly resolution 51/81 of 12 December 1996, in which the Assembly called upon the Commission on Human Rights to consider at its fifty-third session, as a matter of priority, the question of a possible world conference to combat racism, racial discrimination, xenophobia and other related contemporary forms of intolerance, and to make appropriate recommendations, through the Economic and Social Council, to the Assembly at its fifty-second session,

I.

GENERAL

1. Expresses its unequivocal condemnation of all forms of racism and racial discrimination, including related acts of racially motivated violence, as well as all propaganda, activities and organizations based on ideas or theories of superiority of one race or group of persons of one colour, or which attempt to justify or promote racism and racial discrimination in any form;

2. Declares that racism and racial discrimination are amongst the most serious violations of human rights in the contemporary world and must be combated by all available means;

3. Underlines the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

II.

IMPLEMENTATION OF THE PROGRAMME OF ACTION AND COORDINATION OF ACTIVITIES

4. Takes note of the Secretary-General's report on the implementation of the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/CN.4/1997/68 and Add.1);

5. Deplores the fact that, owing to lack of interest and despite repeated appeals from the international community, only one seminar has been organized since the adoption of the Programme of Action for the Third Decade;

6. Recognizes the laudable and generous efforts by donors in contributing to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination, but believes that these financial contributions should be considered as additional resources and that it is up to the United Nations to finance the Programme of Action;

7. Requests therefore, that the necessary financial resources for the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination be met from the regular budget of the United Nations and accordingly recommends:

(a) That the General Assembly, during the adoption of programmes with budgetary implications, give priority to the question of the Programme of Action for the Third Decade, and ensure that all the activities provided for in the Programme are taken into account in the regular budget of the United Nations;

(b) That the Secretary-General take all appropriate administrative and budgetary measures to ensure that a detailed report on the financial resources required for the implementation of the Programme is prepared as soon as possible and submitted to the competent bodies of the General Assembly;

(c) That the Secretary-General submit to the Commission on Human Rights at each of its sessions an evaluation of the activities implemented, a complete inventory of actions undertaken during the year, as well as measures taken to ensure full implementation of the Programme of Action;

8. Recommends that the Centre for Human Rights study the possibility of transforming the funds from voluntary contributions aimed at financing the Programme of Action for the Third Decade into a United Nations assistance fund for victims of racism and racial discrimination;

9. Calls upon all Governments, United Nations bodies, the specialized agencies, and intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council to participate fully in the Third Decade to Combat Racism and Racial Discrimination;

10. Requests the United Nations High Commissioner for Human Rights to take duly into account, within the framework of the restructuring of the Centre for Human Rights, the repeated appeals of the General Assembly and the Economic and Social Council for the establishment of a mechanism within the Centre for Human Rights as a focal point for coordinating all the relevant programmes before they are carried out by the United Nations;

11. Endorses the request of the General Assembly to the Centre for Human Rights to organize, in cooperation with the Committee on the Elimination of Racial Discrimination, the United Nations Educational, Scientific and Cultural Organization, the International Telecommunication Union and other competent bodies of the United Nations, non-governmental organizations and Internet suppliers, a seminar aimed at assessing the role of the Internet with regard to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination;

12. Welcomes the publication by the United Nations Educational, Scientific and Cultural Organization of teaching materials aimed at promoting pedagogical, training and educational activities in the field of human rights and against racism and racial discrimination;

13. Recommends that States give priority to education as a significant means of preventing and eradicating racism and racial discrimination and of creating awareness of the principles of human rights, particularly among young people, inter alia, through the promotion of respect for diversity and understanding of multiculturalism;

14. Encourages the mass media to promote ideas of tolerance and understanding among peoples and between different cultures;

III.

FOLLOW-UP TO THE ACTIVITIES OF THE DECADE

15. Welcomes the convening from 9 to 13 September 1996 in Geneva of the United Nations seminar to assess the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination with particular reference to articles 4 and 6, and takes note of its conclusions and recommendations (E/CN.4/1997/68/Add.1, paras. 121-123);

16. Also welcomes the publication by the Centre for Human Rights of Model Legislation for the Guidance of Governments in the Enactment of Further Legislation against Racial Discrimination (HR/PUB/96/2) and calls upon Governments to be inspired by it in promulgating new laws against racial discrimination;

17. Calls upon the Secretary-General to seek the views of States as to whether their domestic legislation conforms to the model legislation developed by the Centre for Human Rights and, if this is not the case information on whether they are taking any steps to amend their legislation so as to reach the standards of the model;

18. Invites States to extend the competence of their national institutions for the promotion and protection of human rights to cover also issues linked to the struggle against racism and racial discrimination and to promote cooperation, understanding and the exchange of experiences among them;

19. Recommends that activities organized to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights include programmes specifically targeted at combatting racism and racial discrimination;

IV.

FOLLOW-UP TO THE VISIT OF THE SPECIAL RAPPORTEUR ON CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

20. Endorses the reports (E/CN.4/1996/72/Add.1-4 and E/CN.4/1997/71/Add.1-2) on the visits of the Special Rapporteur, in particular his conclusions and recommendations, and expresses its gratitude to the Special Rapporteur;

21. Expresses its full support and appreciation for the work of the Special Rapporteur and for his willingness to continue to undertake similar visits;

22. Commends those States that have so far invited and received the Special Rapporteur;

23. Calls upon the Governments of the States visited to implement fully the recommendations contained in the reports of the Special Rapporteur and requests the Special Rapporteur to submit a report to the Commission on Human Rights at its fifty-fourth session, under the same agenda item, on the measures taken to implement these recommendations and to undertake follow-up visits, if necessary;

24. Invites the Governments of the concerned States parties to the International Convention on the Elimination of Racial Discrimination to include in their periodic reports to the Committee on the Elimination of Racial Discrimination information on the measures they have taken to implement the recommendations of the Special Rapporteur;

25. Urges the Centre for Human Rights to make a special effort to provide the countries which were visited by the Special Rapporteur, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

26. Requests the Special Rapporteur to submit a comprehensive report to the Commission on Human Rights, at its fifty-fourth session, under the same agenda item, on the implementation of the present resolution;

V.

INTERNATIONAL CONVENTION ON THE ELIMINATION OF RACIAL DISCRIMINATION

27. Invites all States which have not yet done so to envisage ratifying the relevant international instruments adhering to them and, especially, to implement the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education;

28. Reaffirms that freedom of expression involves special responsibilities and consequently could be subject to some restrictions which should be expressly determined by law and which are necessary for the respect of the rights or reputation of others, and for safeguarding public order and public morality;

29. Endorses general recommendation XV (42) of the Committee on the Elimination of Racial Discrimination and declares that racism is not an opinion but an offence;

30. Calls upon all States to declare illegal and prohibit organizations and activities which promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law in conformity with the International Convention on the Elimination of All Forms of Racial Discrimination;

31. Calls upon States parties to the International Convention on the Elimination of All Forms of Racial Discrimination which have expressed reservations concerning the Convention to examine them regularly in the light of new developments, with a view to withdrawing them;

32. Also calls upon States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to adopt immediately positive measures aimed at the elimination of all forms of racial discrimination, and in particular to declare punishable by law any dissemination of ideas based on racial superiority or hatred, any incitement to racial discrimination, as well as all acts of violence or provocation, directed against any race or any group of persons of another ethnic origin, including any assistance given to racist activities, including their financing;

33. Invites States parties to the International Convention on the Elimination of All Forms of Racial Discrimination which have not yet done so to recognize, by virtue of article 14 of the Convention, the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications regarding individual complaints;

34. Requests the Secretary-General to submit a report to the Commission on Human Rights at its fifty-fourth session, providing information concerning the States which have yet to sign and ratify the Convention, as well as the nature of the reservations entered by States which are signatories;

VI.

WORLD CONFERENCE AGAINST RACISM AND RACIAL DISCRIMINATION

35. Decides to recommend that the General Assembly, through the Economic and Social Council that it convene a world conference on racism in 1999, whose main objective would be:

(a) To review progress made in the fight against racism and racial discrimination since the adoption of the Universal Declaration of Human Rights and to reappraise the obstacles to further progress in the field and ways of overcoming them;

(b) To consider ways and means better to ensure the application of existing standards and instruments dealing with the fight against racism and racial discrimination;

(c) To assess the effectiveness of the methods and mechanisms used by the United Nations in the fight against racism and racial discrimination;

(d) To formulate concrete recommendations on programmes to increase the effectiveness of the activities and mechanisms of the United Nations aimed at fighting racism and racial discrimination;

(e) To draw up concrete recommendations for ensuring that the United Nations has the financial and other resources necessary for its action to combat racism and racial discrimination;

36. Requests the Economic and Social Council to recommend to the General Assembly the establishment of a preparatory committee for the world conference which would be open to all States Members of the United Nations or members of specialized agencies, and to observers in conformity with the usual practice applied by the General Assembly;

37. Invites the Economic and Social Council to recommend to the preparatory committee that it include the following elements in its agenda:

(a) Political, historical, economic, social and cultural factors leading to racism, racial discrimination, xenophobia and related intolerance;

(b) The main obstacles to the full eradication of racism, racial discrimination, xenophobia and related intolerance;

(c) Further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance;

38. Recommends that the Economic and Social Council submit the question of the convening of a world conference against racism to the General Assembly for its consideration, and make proposals regarding the agenda, date, duration and venue for such a conference, as well as the modalities for participation, the meetings and preparatory activities to be conducted at the international, regional and national levels and the documents to be prepared;

39. Decides to consider this question at its fifty-fourth session under a new agenda item entitled "Preparation of the World Conference against Racism", and to treat this item as the main focus of that session;

40. Also decides to maintain on its agenda the item entitled "Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination" and to consider it at its fifty-fourth session;

41. Requests the Secretary-General to submit a report to its fifty-fourth session on the implementation of the present resolution.

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COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 5

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Colombia (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries) and China: draft resolution

1997/... Human rights and unilateral coercive measures

The Commission on Human Rights,

Recalling the purposes and principles of the Charter of the United Nations,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 which declares that no State may use or encourage the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights called upon States to refrain any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and recent major United Nations conferences and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the socio-humanitarian activities of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals,

1. Calls once again upon all States to refrain from adopting or implementing unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. Rejects the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, inter alia children, women and the elderly;

3. Reaffirms in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

4. Also reaffirms that essential goods such as food and medicines should not be used as tools for political coercion, and that in no case may a people be deprived of its own means of subsistence;

5. Endorses and reaffirms the criteria of the Working Group on the Right to Development according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development;

6. Urges once again the working group on the implementation and promotion of the right to development to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

7. Requests the High Commissioner for Human Rights, in discharging his functions relating to the promotion, realization and protection of the right to development, to pay due attention and give urgent consideration to the present resolution;

8. Decides to examine this question, on a priority basis, at its fifty-fourth session under the same agenda item.

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COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 11

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

Chile, El Salvador, Indonesia, Iraq*, Marshal Islands*, Mexico, Mongolia*, Morocco*, Nepal, Nicaragua, Nigeria*, Pakistan, Peru*, Philippines, South Africa and Sri Lanka: draft resolution

1997/... Violence against women migrant workers

The Commission on Human Rights

Recalling all previous resolutions on violence against women migrant workers adopted by the General Assembly, the Commission on the Status of Women and the Commission on Human Rights, as well as the Declaration on the Elimination of Violence against Women,

Taking note of resolution 1996/12 of 23 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities concerning, inter alia, women migrant workers,

Affirming the outcome of the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women, specifically as they pertain to women migrant workers,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Noting the large numbers of women from developing countries and from some countries with economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families as a consequence of, inter alia, poverty, unemployment and other socio-economic conditions, and acknowledging the duty of sending States to work for conditions that provide employment and security to their citizens,

Concerned by the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some employers in some host countries,

Encouraged by some measures adopted by some receiving States to alleviate the plight of women migrant workers residing within their areas of jurisdiction,

Reiterating that acts of violence directed against women impair or nullify their enjoyment of their human rights and fundamental freedoms,

1. Determines to prevent and eliminate all forms of violence against women and girls;

2. Encourages States to enact or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society;

3. Also encourages States to adopt and/or implement and periodically to review and analyse legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders, and to take measures to ensure the protection of women subjected to violence and that they have access to just and effective remedies, including compensation and indemnification and healing of victims, and for the rehabilitation of perpetrators;

4. Invites the States concerned, specifically the sending and receiving States, to consider adopting appropriate legal measures against intermediaries who deliberately encourage the clandestine movement of workers and who exploit women migrant workers;

5. Reiterates the need for States concerned, specifically the sending and receiving States of women migrant workers, to conduct regular consultations for the purpose of identifying problem areas in promoting and protecting the rights of women migrant workers and ensuring health, legal and social services for them, adopting specific measures to address these

problems, setting up, as necessary, linguistically and culturally accessible services and mechanisms to implement these measures and, in general, creating conditions that foster greater harmony and tolerance between women migrant workers and the rest of the society in which they reside;

6. Encourages States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the Slavery Convention of 1926;

7. Requests the United Nations High Commissioner for Human Rights, the Centre for Human Rights and the Special Rapporteur on violence against women, as well as all relevant bodies and programmes in the United Nations system, when addressing the issue of violence against women to give particular attention to the issue of violence perpetrated against women migrant workers;

8. Expresses its appreciation to the Government of the Philippines for hosting the United Nations Expert Group Meeting on Violence Against Women Migrant Workers in Manila from 27 to 31 May 1996;

9. Invites the regional commissions and the regional offices of the International Labour Organization to examine ways and means, within their mandates, of dealing with concerns pertaining to women migrant workers;

10. Requests the Secretary-General to submit a comprehensive report to the Commission on Human Rights at its fifty-fourth session on the implementation of the present resolution, including information received from organs and bodies of the United Nations system, Member States, intergovernmental organizations and other concerned bodies;

11. Decides to continue to consider the question at its fifty-fourth session under the relevant agenda item.

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COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 3

ORGANIZATION OF THE WORK OF THE SESSION

Netherlands: draft decision

1997/... Conscientious objection to military service

The Commission on Human Rights, recalling its resolution 1995/83 of 8 March 1995, decides to defer consideration of the question of conscientious objection to military service to its fifty-fourth session.